

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12252 of Gertude C. Cummings, pursuant to Sub-section 8207.11 of the Zoning Regulations, for a use variance (Section 3103) to permit the operation of a rooming house with five or less persons in the R-3 District at 5418 Kansas Avenue, N.W. (Square 2330, Lot 2)

HEARING DATE: December 15, 1976

DECISION DATE: December 21, 1976

DISPOSITION: Application denied by a vote of 3-0 (William F. McIntosh, Richard L. Stanton, William S. Harps)

FINAL DATE OF ORDER: May 13, 1977

ORDER

Upon consideration of the applicant's Motion for Reconsideration dated May 31, 1977, the Board finds that the Motion fails to state an acceptable basis of error on the part of the Board to support a Motion for Reconsideration. It is therefore ORDERED that the Motion for Reconsideration be DENIED.

DECISION DATE: July 12, 1977

VOTE: 4-0 (Leonard L. McCants, Esq., Charles Norris, William F. McIntosh, Chloethiel W. Smith)

BY ORDER OF D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____

Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 15 JUL 1977

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12252 of Gertrude C. Cummings, pursuant to Sub-section 8207.11 of the Zoning Regulations, for a use variance (Section 3103) to permit the operation of a rooming house with five or less persons in the R-3 District at 5418 Kansas Avenue, N.W. (Lot 2, Square 2330).

HEARING DATE: December 15, 1976

DECISION DATE: December 21, 1976

FINDINGS OF FACT:

1. The property is located in the R-3 District.
2. Applicant currently has four (4) roomers living with her in the property.
3. Applicant presented no evidence of hardship.

CONCLUSIONS OF LAW AND OPINION

Applicant seeks a use variance which requires a showing of hardship bordering on an economic taking. The Board is of the opinion that the applicant has failed to make the required showing. It is therefore ORDERED that this application is hereby DENIED.

VOTE: 3-0 (William F. McIntosh, Richard L. Stanton, William Harps).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



ARTHUR B. HATTON
Secretary to the Board

FINAL DATE OF ORDER: 5-13-77

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12253 of Louis Burman, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3101.48. Applicant seeks permission to continue the operation of an accessory parking lot in the R-1-B District at rear of 6400 Georgia Avenue, N.W., Lots 836 and 842, Square 2945.

HEARING DATE: December 15, 1976

DECISION DATE: December 21, 1976 (Executive Session)

FINDINGS OF FACT:

1. Applicant seeks permission to continue the operation of the subject parking lot which has been in existence for twenty-five years.
2. The said lot is located in an R-1-B District, abutting an R-1-B type single family residential area to the west, Tuckerman Street to the south and public alleys to the north and east. The access to the parking lot is from Tuckerman Street.
3. The parking lot provides off street parking for tenants and their customers for the adjacent commercial building known as 6400 Georgia Avenue, N.W.
4. Both the Department of Transportation and the MPO approved the continuance of the subject parking lot.
5. No opposition to the application was voiced at the public hearing.
6. An inspection of the subject premises evidences that the conditions imposed by prior order of the BZA are enforced.

CONCLUSIONS OF LAW:

Based on the record the Board of Zoning Adjustment finds that the use herein is reasonably necessary or convenient to the neighborhood and is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

Accordingly, it is ORDERED that this application is GRANTED for five (5) years SUBJECT TO THE FOLLOWING CONDITIONS:

a. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

b. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures or otherwise permitted in the zoning district in which the parking lot is located.

g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-0 (William F. McIntosh, Richard L. Stanton and William S. Harps).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT, D.C.

BZA Application

No. 12253

Page 3

ATTESTED BY:

Arthur B. Hatton

ARTHUR B. HATTON

Executive Secretary

FINAL DATE OR ORDER:

2-18-77

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.